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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,880	12/30/2005	Janne Jokinen	2835-0151PUS1	9684

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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STANLEY, JANE L

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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10/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,880	<b>Applicant(s)</b> JOKINEN, JANNE	
	<b>Examiner</b> JANE L. STANLEY	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

The objection to the disclosure regarding graphs on pages 21 and 23 made in the previous office action **is maintained**. Applicant is reminded that graphs/drawings **must be separate from the body of the specification**. See MPEP 608.02 V (37 CFR 1.84). Appropriate correction is required.

### *Claim Objections*

The objection to **Claim 2** made in the previous office action is maintained.

**Claim 4** is objected to because of the following informalities: the claim recites “a engine” and should instead recite “an engine”. Furthermore, the claim recites “wherein the engine is selected from,” and then only lists one option to choose from. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-6 and 8-9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claim 1**, the claim recites "an aqueous solution comprising trimethyl glycine as a coolant fluid" and it is unclear if the coolant fluid is the aqueous solution with trimethyl glycine or just the trimethyl glycine alone. For the purpose of this office action the coolant fluid has been interpreted to be the combination of water and trimethyl glycine. This includes **claims 2-6 and 8-9** as they depend from **claim 1**.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-3, 5-6 and 8-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al. (US 1,901,111) as evidenced by Ilves et al. (WO 97/31988).

Masuda et al. teaches the use (col 1 ln 1-3) of water solutions of as little as 30% (Masuda et al. col 2 ln 54) and as high as 60% (Masuda et al. col 1 ln 40-100) of betaine(s) as anti-freeze/coolant compositions used in automobile radiators (Masuda et al. col 1 ln 1-36) wherein betaine, as evidenced by Ilves et al., is known to be trimethyl glycine (Ilves et al. page 3 ln 25-26). Masuda et al. further teaches that use of purified Betaine is necessary to avoid metal corrosion and that the presence of even a small quantity of acid or mineral salts will render the material unsuitable for use in contact with metals (col 1 ln 25-32).

While Masuda et al. does not specifically teach the method of introducing the coolant into the cooling system, Masuda et al. does teach the use of the coolant in automobile radiators and as the method step of instant claim 1 amounts to nothing more than the addition of the cooling liquid to the engine, the instantly claimed step is inherent.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al. (US 1,901,111) as evidenced by Ilves et al. (WO 97/31988) and in view of Oppenländer (DE 19830819, see English language equivalent: US No. 6,413,445).

Masuda et al. teaches the method as set forth in **claim 1** above. Masuda et al. does not specifically teach the automobile radiators to have aluminum parts with respect to the water pumps. Oppenländer et al. teaches coolants for use in internal combustion engines (col 1 ln 12-13), and also teaches that there is an increasing amount of aluminum used in internal combustion engines for the purpose of, in particular, weight reduction (col 1 ln 27-29). As Masuda et al. teaches the use of solutions of water and betaine as antifreeze/coolant compositions in automobile engines, one of ordinary skill in the art would have found it obvious

Masuda et al. and Oppenländer et al. are concerned with the same field of endeavor, namely automobile engine antifreeze/coolant compositions. At the time of the

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invention a person having ordinary skill in the art would have found it obvious to use the antifreeze/coolant solutions of water and betaine as taught by Masuda et al. in the internal combustion engines with increasing aluminum content of Oppenländer et al. and would have been motivated to do so to use an antifreeze/coolant composition that exhibits valuable properties such as: a higher boiling point than water; no loss by evaporation; does not decompose upon standing or when subject to varying temperatures; relatively high in surface tension and low in capillary force; and has no corrosive action on metal surfaces (Masuda et al. col 2 lns 64-74). To do so would amount to nothing more than use of a known composition for its intended use in a known environment to accomplish entirely expected results.

### ***Response to Arguments***

**Claims 1-6 and 8-9** are pending. **Claims 1-6** have been amended, **claim 7** has been cancelled and **claims 8-9** are new.

As a result of the amendments to **claims 1-6** to reflect method steps, the 35 USC 101/112 rejections have been withdrawn.

Applicant's arguments with respect to **claims 1-6 and 8-9** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE L. STANLEY whose telephone number is (571)270-3870. The examiner can normally be reached on Monday-Thursday, 7:30 am - 5 pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./  
Supervisory Patent Examiner, Art Unit 1796

JLS

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